

STATE PERSONNEL BOARD CALENDAR



SEPTEMBER 4, 2007

SACRAMENTO

State of California

Memorandum

DATE: August 24, 2007

TO: ALL INTERESTED PARTIES

FROM: STATE PERSONNEL BOARD – Executive Office

SUBJECT: Notice and Agenda for the **September 4, 2007**, meeting of the State Personnel Board.

PLEASE TAKE NOTICE that on September 4, 2007, at offices of the State Personnel Board, located at 801 Capitol Mall, Room 150, Sacramento, California 95814, the State Personnel Board will hold its regularly scheduled meeting. Pursuant to Government Code section 11123, a teleconference location may be conducted for this meeting at 320 W. 4th Street, Los Angeles, California.

The attached Agenda provides a brief description of each item to be considered and lists the date and approximate time for discussion of the item.

Also noted is whether the item will be considered in closed or public session. Closed sessions are closed to members of the public. All discussions held in public sessions are open to those interested in attending. Interested members of the public who wish to address the Board on a public session item may request the opportunity to do so.

Should you wish to obtain a copy of any of the items considered in the public sessions for the September 4, 2007, meeting, please contact staff in the Secretariat's Office, State Personnel Board, 801 Capitol Mall, MS 52, Sacramento, California 95814 or by calling (916) 653-0429 or TDD (916) 654-2360, or the Internet at:

<http://www.spb.ca.gov/calendar.htm>

Should you have any questions regarding this Notice and Agenda, please contact staff in the Secretariat's Office at the address or telephone numbers above.



Allison Sanjo
Secretariat's Office

Attachment



CALIFORNIA STATE PERSONNEL BOARD MEETING¹

801 Capitol Mall
Sacramento, California

Public Session Location – 801 Capitol Mall
Sacramento, California, Room 150
Teleconference – 320 West 4th Street²
Los Angeles, California, Suite 620

Closed Session Location – 801 Capitol Mall
Sacramento, California, Room 141
Teleconference – 320 West 4th Street
Los Angeles, California Suite 620

FULL BOARD MEETING – SEPTEMBER 4, 2007

¹ Sign Language Interpreter will be provided for Board Meeting upon request - contact Secretariat at (916) 653-0429, or CALNET 453-0429, TDD (916) 654-2360.

²Pursuant to Government Code section 11123, a teleconference location may be conducted for this meeting at 320 West 4th Street, Los Angeles, California.

FULL BOARD MEETING AGENDA³

September 4, 2007
9:00 a.m. – 4:00 p.m.
(or upon completion of business)

PLEASE NOTE: ALL TIMES ARE APPROXIMATE AND ARE SUBJECT TO CHANGE

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

(9:00 a.m. – 9:45 a.m.)

1. **ROLL CALL**
2. **REPORT OF THE EXECUTIVE OFFICER – Suzanne M. Ambrose**
3. **REPORT OF THE DEPARTMENT OF PERSONNEL ADMINISTRATION (DPA)**
– DPA Representative
4. **Report of CPS HUMAN RESOURCE SERVICES**
– Jerry Greenwell, Chief Executive Officer
5. **REPORT OF THE CHIEF COUNSEL – Elise Rose**
6. **NEW BUSINESS**

Items may be raised by Board Members for scheduling and discussion for future meetings.
7. **REPORT ON LEGISLATION – Sherry Evans**

The Board may be asked to adopt a position with respect to the bills listed on the legislation memorandum attached hereto.

³ The Agenda for the Board Meetings can be obtained at the following internet address:
<http://www.spb.ca.gov/calendar.htm>

(9:45 a.m. – 10:15 a.m.)

8. **PUBLIC HEARING – PROPOSED AMENDMENTS TO REGULATIONS CONCERNING PROCEDURES THAT APPLY TO COST SAVINGS PERSONAL SERVICES CONTRACTS UNDER GOVERNMENT CODE SECTION 19130(a)**
– Bruce Monfross, State Personnel Board

**CLOSED SESSION OF THE STATE PERSONNEL BOARD PURSUANT TO
COPELY PRESS, INC. v. SUPERIOR COURT (2006) 39 CAL. 4TH 1272**

(10:15 a.m. – 10:45 a.m.)

9. **ORAL ARGUMENT**

In the matter of **CASE NO. 03-3412PA**. Appeal from rejection during probation. Correctional Counselor II (Supervisor). Department of Corrections and Rehabilitation.

CLOSED SESSION OF THE STATE PERSONNEL BOARD

(10:45 a.m. – 11:00 a.m.)

10. **EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, AND OTHER APPEALS**

Deliberations to consider matter submitted at prior hearing.
[Government Code Sections 11126(d), 18653.]

**CLOSED SESSION OF THE STATE PERSONNEL BOARD PURSUANT TO
COPELY PRESS, INC. v. SUPERIOR COURT (2006) 39 CAL. 4TH 1272**

(11:00 a.m. – 11:30 a.m.)

11. ORAL ARGUMENT

In the matter of **CASE NO. 05-1285A**. Appeal from dismissal. Public Safety Dispatcher II. Department of the California Highway Patrol.

**CLOSED SESSION OF THE STATE PERSONNEL BOARD PURSUANT TO
COPELY PRESS, INC. v. SUPERIOR COURT (2006) 39 CAL. 4TH 1272**

(11:30 a.m. – 12:00 p.m.)

12. ORAL ARGUMENT

In the matter of **CASE NO. 06-0738A**. Appeal from dismissal. Correctional Sergeant. Department of Corrections and Rehabilitation.

CLOSED SESSION OF THE STATE PERSONNEL BOARD

(12:00 p.m. – 12:15 p.m.)

**13. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, AND
OTHER APPEALS**

Deliberations to consider matter submitted at prior hearing.
[Government Code Sections 11126(d), 18653.]

(12:15 p.m. – 1:15 p.m.)

LUNCH

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

(1:15 p.m. – 1:45 p.m.)

14. ORAL ARGUMENT

In the matter of **PERSONAL SERVICES CONTRACT NO. 06-03, CASE NO. 07-0806PA.** Appeal in the matter of the Executive Officer's disapproval of Unarmed Security Guard Services contract. Department of the California Highway Patrol.

(1:45 p.m. – 2:15 p.m.)

15. ORAL ARGUMENT

In the matter of **PERSONAL SERVICES CONTRACT NO. 07-02, CASE NO. 07-003(b)** Appeal in the matter of the Executive Officer's disapproval of the Janitorial Services contract. Department of Health Services.

CLOSED SESSION OF THE STATE PERSONNEL BOARD

(2:15 p.m. – 2:30 p.m.)

16. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, AND OTHER APPEALS

Deliberations to consider matter submitted at prior hearing.
[Government Code Sections 11126(d), 18653.]

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

(2:30 p.m. – 3:00 p.m.)

17. RECOGNITION: STAFF SERVICES ANALYST EXAMINATION

The five-member State Personnel Board wishes to show their appreciation to the following individuals from the Employment Development Department (EDD), Department of Mental Health (DMH), Department of Social Services (DSS), California State Teacher's Retirement System (CalSTRS), Department of Transportation (Caltrans), Department of Water Resources (DWR), Department of Personnel Administration (DPA), SEIU Local 1000, the Executive Fellowship Program (EFP) and the State Personnel Board (SPB). These individuals have partnered with SPB this year and have helped to make it possible for us to move forward with the revisions to the Staff Services Analyst Examination.

**Rick Black, SPB
Jerad Blair, SPB
Steve Brown, SPB
Michael Brunette, SPB
Karen Coffee, SPB
Greg Collet, SPB
Scott Crouch, SPB
Erica Davalos, SPB
Satina Davis, SPB
Josie Fernandez, DPA
Loida Flores, SPB
Christine Ford, CalSTRS
Robert Garcia, DSS
Rosie Jauregui, SPB
Linda MacCracken, SPB
Margarita Maldonado, SEIU
Kirsten Malme, SPB
Isaiah Mall, SPB
Tom Hodson, EFP
Linda Houck, SPB
Cynde Jones, DMH
Neal Johnson, SEIU
Scott Levine, SPB
Pat Lujan, EDD
Karen Lynch, DPA**

**Kathleen O'Connor, SEIU
Judy O'Day, Caltrans
Carol Ong, SPB
Kolleen Ostgaard, EFP
Daisy McKenzie, SPB
Christine Murrell, SPB
Roberta Nishimura, SPB
April Partington, SPB
Kirk Patton, SPB
Larry Perkins, SEIU
Rachel Pollock, SPB
Sharon Planchon, DSS
Julia Shelmire, SPB
Terry Silva, SPB
Matthew Stanley, SPB
Mike Strazzo, DWR
Becky Tietz, SPB
Lisa Torres, EDD
Colin Wallace, SPB
Susan Wilke, SPB
Donna Terrazas, SPB
Debbie True, DPA
Kevin Tse, SPB
Daryll Tsujihara, DPA
Candy Zonneveld, SPB**

CLOSED SESSION OF THE STATE PERSONNEL BOARD

(3:00 p.m. – 3:30 p.m.)

18. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, AND OTHER APPEALS

Deliberations to consider matter submitted at prior hearing.
[Government Code Sections 11126(d), 18653.]

19. DELIBERATION ON ADVERSE ACTIONS, DISCRIMINATION COMPLAINTS, AND OTHER PROPOSED DECISIONS SUBMITTED BY ADMINISTRATIVE LAW JUDGES

Deliberations on matters submitted at prior hearing; on proposed, rejected, remanded, and submitted decisions; petitions for rehearing; and other matters related to cases heard by administrative law judges of the State Personnel Board or by the Board itself. [Government Code Sections 11126 (c) (3), and 18653.]

20. PENDING LITIGATION

Conference with legal counsel to confer with and receive advice regarding pending litigation when discussion in open session would be prejudicial.
[Government Code sections 11126(e)(1) and 18653.]

Patrick McCollum v. State of California

United States District Court, Northern District of California
Case No. C 04-03339 CRB

Plata, et al. v. Schwarzenegger, et al.

Case No. C01-1351 THE

Colocousis, et al. v. State Personnel Board, et al.

Sacramento Superior Court Case No. 07CS00461

21. RECOMMENDATIONS TO THE LEGISLATURE

Deliberations on recommendations to the legislature.
[Government Code section 18653.]

22. RECOMMENDATIONS TO THE GOVERNOR

Deliberations on recommendations to the Governor.
[Government Code section 18653.]

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

(3:30 p.m. – Onwards)

23. **DISCUSSION OF UPCOMING BOARD MEETING SCHEDULE OF SEPTEMBER 24, 2007, IN SACRAMENTO, CALIFORNIA**

BOARD ACTIONS:

24. **ADOPTION OF THE STATE PERSONNEL BOARD SUMMARY MINUTES OF JULY 24, 2007**
25. **EVIDENTIARY CASES - (See Case Listings on Pages 15-23)**
26. **RESOLUTION EXTENDING TIME UNDER GOVERNMENT CODE SECTION 18671.1 EXTENSION - (See Agenda on Pages 30–31)**
27. **NON-EVIDENTIARY CASES - (See Case Listings on Pages 24-27)**
28. **NON-HEARING CALENDAR**

The following proposals are made to the State Personnel Board by either the Board staff or Department of Personnel Administration staff. It is anticipated that the Board will act on these proposals without a hearing.

Anyone with concerns or opposition to any of these proposals should submit a written notice to the Executive Officer clearly stating the nature of the concern or opposition. Such notice should explain how the issue in dispute is a merit employment matter within the Board's scope of authority as set forth in the State Civil Service Act (Government Code section 18500 et seq.) and Article VII, California Constitution. Matters within the Board's scope of authority include, but are not limited to, personnel selection, employee status, discrimination and affirmative action. Matters outside the Board's scope of authority include, but are not limited to, compensation, employee benefits, position allocation, and organization structure. Such notice must be received not later than close of business on the Wednesday before the Board meeting at which the proposal is scheduled. Such notice from an exclusive bargaining representative will not be entertained after this deadline, provided the representative has received advance notice of the classification proposal pursuant to the applicable memorandum of understanding. In investigating matters outlined above, the Executive Officer shall act as the Board's authorized representative and recommend the Board either act on the proposals as submitted without a hearing or schedule the items for a hearing, including a staff recommendation on resolution of the merit issues in dispute.

A. BOARD ITEMS PRESENTED BY STATE PERSONNEL BOARD OR DEPARTMENT OF PERSONNEL ADMINISTRATION TO ESTABLISH, REVISE OR ABOLISH CLASSIFICATIONS, ALTERNATE RANGE CRITERIA, ETC.

TAX AUDITOR, EMPLOYMENT DEVELOPMENT DEPARTMENT

The Employment Development Department proposes a correction to the Tax Auditor, Employment Development Department deep class board item to address information that was inadvertently omitted from the original item dated January 23, 2007.

COMMUNICATIONS AND WARNING OFFICER, OFFICE OF EMERGENCY SERVICES

The Office of Emergency Services is proposing the reestablishment of the Communications and Warning Officer, Office of Emergency Services classification. This classification was inadvertently abolished effective May 23, 2006. There are no changes being proposed to the abolished classification specification.

B. ABOLISHMENT OF CLASSES THAT HAVE HAD NO INCUMBENTS FOR MORE THAN TWO YEARS. DEPARTMENTS THAT UTILIZE THE CLASS AS WELL AS THE APPROPRIATE UNION HAVE NO OBJECTION TO THE ABOLISHMENT OF THESE CLASSES.

THE DEPARTMENT OF PERSONNEL ADMINISTRATION AND STATE PERSONNEL BOARD propose to abolish the following unused classifications, which have been vacant for more than twenty-four months. Departments that utilize the class as well as the appropriate union have no objection to the abolishment of these classes. When classes are proposed to be abolished which are part of a class series, and other classes within the series will continue to be used, the class specification is included in the board item.

NONE

29. STAFF CALENDAR ITEMS FOR BOARD INFORMATION

NONE

30. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY

This section of the Agenda serves to inform interested individuals and departments of proposed and approved CEA position actions.

The first section lists position actions that have been proposed and are currently under consideration.

Any parties having concerns with the merits of a proposed CEA position action should submit their concerns in writing to the Classification and Compensation Division of the Department of Personnel Administration, the Merit Employment and Technical Resources Division of the State Personnel Board, and the department proposing the action.

To assure adequate time to consider objections to a CEA position action, issues should be presented immediately upon receipt of the State Personnel Board Agenda in which the proposed position action is noticed as being under consideration, and generally no later than a week to ten days after its publication.

In cases where a merit issue has been raised regarding a proposed CEA position action and the dispute cannot be resolved, a hearing before the five-member Board may be scheduled. If no merit issues are raised regarding a proposed CEA position action, and the State Personnel Board approves it, the action becomes effective without further action by the Board.

The second section of this portion of the Agenda reports those position actions that have been approved. They are effective as of the date they were approved by the Executive Officer of the State Personnel Board.

A. REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS CURRENTLY UNDER CONSIDERATION

CHIEF, RESEARCH SERVICES & DATA DEVELOPMENT BRANCH

The Department of Social Services proposes to allocate the above position to the CEA category. The Chief, Research Services and Data Development Branch, will develop research and data management policies and procedures to insure the integrity of research being considered is in the best interest of the Department's programs, oversee the research design, implementation, analysis and administration of demographic projects and advise and assist on projects for various departments and agencies.

DEPUTY DIRECTOR, PLAN AND PROVIDER RELATIONS

The Department of Managed Health Care proposes to allocate the above position to the CEA category. The Deputy Director, Plan & Provider Relations, is responsible for fostering proactive and affective relations between the Department and all California Knox-Keene Act licensed health plans and provider issues, as well as providing strategic planning and policy direction on emerging issues and industry trends.

**DEPUTY DIRECTOR, HEALTH CARE CONTRACTS OPERATIONS
BRANCH**

The Department of Corrections and Rehabilitation proposes to allocate the above position to the CEA category. The Deputy Director, Health Care Contracts Operations Branch, has full responsibility and accountability for the overall policies, planning, organization, and direction and administration of health care related contracts for the CDCR adult institutions.

CHIEF OF HUMAN RESOURCES PLANNING AND INNOVATION

The Department of Corrections and Rehabilitation proposes to allocate the above position to the CEA category. The Chief of Human Resources Planning and Innovation, serves as the Project Director of the CDCR, Health Care Division, HR Modernization efforts, including a comprehensive reform of civil service processes and practices that are linked to an aligned with workforce planning strategies and information, and strategic business plans.

CHIEF OF SUPPORT OPERATIONS, CA STATE PRISON

The Department of Corrections and Rehabilitation proposes to allocate the above position to the CEA category. The Chief of Support Operations will be responsible for policy formulation and implementation to carry out the administrative functions of the Medical Department of California State Prison, San Quentin. The Chief of Support Operations will also act as the primary policy advisor and provide high-level advice to the Healthcare Manager.

CHIEF, ENTERPRISE RISK MANAGEMENT

The Department of Corrections and Rehabilitation proposes to allocate the above position to the CEA category. The Chief of Enterprise Risk Management serves as the department's principal advisor in the formulation, implementation, and evaluation of departmental policies and programs relating to enterprise risk management, as well as the principal policymaker of the Enterprise Risk Management Program implementation.

CHIEF, FISCAL MANAGEMENT SECTION

The Department of Corrections and Rehabilitation proposes to allocate the above position to the CEA category. The Chief of Fiscal Management is responsible for providing oversight for the newly established Fiscal Management Section which is responsible for overseeing the Medical Program's budget. The Chief will also be responsible for overseeing the development of a training plan for budget analysts in the field and at headquarters, as well as establishing policies and procedures as it related to fiscal processes for the medical program.

COMMUNICATIONS DIRECTOR

The Department of Personnel Administration proposes to allocate the above position to the CEA category. The Director of Communications is responsible for developing and maintaining a comprehensive media plan, and creating and managing policies and practices to implement the plan on an ongoing basis.

DIRECTOR, WATER QUALITY DATA PROGRAMS (WQPD)

The State Water Resources Control Board proposes to allocate the above position to the CEA category. The Director of Water Quality Data Programs will develop technological solutions and revised short and long-term strategies designed to improve and enhance the Board's various WQPD.

CHIEF, STRATEGIC PLANNING, POLICY AND RESEARCH

The Department of General Services proposes to allocate the above position to the CEA category. The Chief of Strategic Planning, Policy and Research formulates department goals and policies for action, trends and sensitive issues, is responsible for gathering and assessing data, conducting research studies and developing comprehensive strategic and business plans involving representatives from state and federal level agencies, local and private enterprises, as well as independent-private sector consultants.

DEPUTY DISTRICT DIRECTOR, PROGRAM/PROJECT MANAGEMENT

The Department of Transportation proposes to allocate the above position to the CEA category in District 8 (Riverside/San Bernardino). The Deputy District Director, Program/Project Management will develop and implement policies related to Project Management, Project Management Support, Program Management and Capital Outlay Management Support.

ASSISTANT DIRECTOR, CLIMATE CHANGE INITIATIVES

The California Energy Commission proposes to allocate the above position to the CEA category. The Assistant Director, Climate Change Initiatives will oversee and coordinate the Energy Commission's policy development and program efforts relating to the issues of climate change and greenhouse gas emissions.

CHIEF, OFFICE OF THE OMBUDSMAN

The Department of Corrections and Rehabilitation proposes to allocate the above position to the CEA category. The Chief, Office of the Ombudsman will implement statewide policies, manage and direct the legislatively mandated departmental Ombudsman Program and serve as the Special Advisor to the Undersecretary.

GENERAL COUNSEL

The Employment Development Department proposes to allocate the above position to the CEA category. The General Counsel will develop and implement policies and provide legal advice and counsel to the Employment Training Panel and Executive Director.

B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS

CHIEF, CONSULTING SERVICES DIVISION, STATE PERSONNEL BOARD

The State Personnel Board's request to allocate the above position has been approved effective July 18, 2007.

CHIEF, 21ST CENTURY PROJECT, STATE PERSONNEL BOARD

The State Personnel Board's request to allocate the above position has been approved effective July 25, 2007.

DIRECTOR OF CUSTOMER SERVICE, STATE TEACHER'S RETIREMENT SYSTEM

The State Teacher's Retirement System's request to allocate the above position has been approved effective July 31, 2007.

DIRECTOR OF CLIENT OUTREACH AND GUIDANCE, STATE TEACHER'S RETIREMENT SYSTEM

The State Teacher's Retirement System's request to allocate the above position has been approved effective July 31, 2007.

DEPUTY DIRECTOR, REGIONAL WATER PLANNING AND MANAGEMENT, DEPARTMENT OF WATER RESOURCES

The Department of Water Resources' request to allocate the above position has been approved effective August 9, 2007.

DEPUTY DIVISION CHIEF, DIVISION OF LAND RESOURCE PROTECTION, DEPARTMENT OF CONSERVATION

The Department of Conservation's request to allocate the above position has been approved effective August 10, 2007.

ASSISTANT DEPUTY STATE CONTROLLER, OFFICE OF THE STATE CONTROLLER

The Office of the State Controller's request to allocate the above position has been approved effective August 16, 2007.

31. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, & OTHER APPEALS

Deliberations to consider matter submitted at prior hearing. [Government Code sections 11126(d), 18653.]

32. WRITTEN STAFF REPORT FOR BOARD INFORMATION

Annual Report to the Legislature – 2006 Discrimination Complaint Activity in the State Civil Service

This report is prepared to comply with Government Code Section 19702.5(c), which requires the Board to annually report to the Legislature on discrimination complaint activity in the state civil service. State Departments are required to submit information to the Board on a quarterly basis. The EEO Office of each department typically provides the data. The information requested includes internal formal and informal discrimination complaints as well as formal complaints filed directly with the Department of Fair Employment and Housing and the Equal Employment Opportunity Commission. In addition, Appeals cases involving discrimination are also integrated into this report.

33. PRESENTATION OF EMERGENCY ITEMS AS NECESSARY

34. BOARD ACTIONS ON SUBMITTED ITEMS – (See Agenda on Pages 28-29)

These items have been taken under submission by the State Personnel Board at a prior meeting and may be before the Board for a vote at this meeting. This list does not include evidentiary cases, as those are listed separately by category on this agenda under Evidentiary Cases.

A D J O U R N M E N T

25. EVIDENTIARY CASES

The Board Administrative Law Judges conduct evidentiary hearings in appeals that include, but are not limited to, adverse actions, medical terminations, demotions, discrimination, reasonable accommodations, and whistleblower complaints.

A. BOARD CASES SUBMITTED

These items have been taken under submission by the State Personnel Board at a prior meeting. Cases that are before the Board for vote will be provided under separate cover.

(1) **CASE NO. 05-1007EA**

Appeal from denial of discrimination complaint

Classification: Outside contractor

Department: Department of Transportation

Proposed decision rejected December 19, 2006.

Pending oral argument April 3, 2007, Sacramento.

Oral argument continued.

Oral argument heard July 10, 2007, Sacramento.

Case ready for decision by FULL Board.

(2) **CASE NO. 06-0760A**

Appeal from rejection during probation

Classification: Parole Agent I (Adult Parole)

Department: Department of Corrections and Rehabilitation

Proposed decision rejected November 14, 2006.

Transcript prepared.

Pending oral argument February 6-7, 2007, Los Angeles.

Oral argument continued.

Pending oral argument May 8, 2007, Sacramento.

Oral argument continued.

Oral argument heard July 10, 2007, Sacramento.

Case ready for decision by FULL Board.

(3) **CASE NO. 06-3023A**

Appeal from ten percent reduction in salary for three months

Classification: Psychiatric Technician

Department: Department of Corrections and Rehabilitation

Proposed decision rejected March 2, 2007.

Transcript prepared.

Oral argument heard August 7, 2007, Pasadena.

Case ready for decision by FULL Board.

- (4) **CASE NO. 06-1338A**
Appeal from rejection during probation
Classification: Industrial Relations Counsel III (Specialist)
Department: Department of Industrial Relations
- Proposed decision rejected May 8, 2007.
Transcript prepared.
Oral argument heard August 7, 2007, Pasadena.
Case ready for decision by FULL Board.
- (5) **CASE NO. 06-2010A**
Appeal from medical termination
Classification: Administrative Support Coordinator II
Department: California State University, Los Angeles
- Proposed decision rejected May 8, 2007.
Transcript prepared.
Oral argument heard August 7, 2007, Pasadena.
Case ready for decision by FULL Board.
- (6) **CASE NO. 06-1485**
Proposed decision taken under submission August 7, 2007.

B. CASES PENDING

ORAL ARGUMENTS

These cases are on calendar to be argued at this meeting or to be considered by the Board in closed session based on written arguments submitted by the parties.

- (1) **CASE NO. 03-3412PA**
Appeal from rejection during probation
Classification: Correctional Counselor II (Supervisor)
Department: Department of Corrections and Rehabilitation
- (2) **CASE NO. 05-1285A**
Appeal from dismissal
Classification: Public Safety Dispatcher II
Department: Department of California Highway Patrol

- (3) **CASE NO. 06-0738A**
Appeal from dismissal
Classification: Correctional Sergeant
Department: Department of Corrections and Rehabilitation

- (4) **PSC No. 06-03, CASE NO. 07-0806PA**
Appeal from Executive Officer's disapproval of contract
Classification: Unarmed Security Guard Services
Department: Department of California Highway Patrol

- (5) **PSC No. 07-02, CASE NO. 07-003(b)**
Appeal from Executive Officer's disapproval of contract
Classification: Janitorial Services
Department: Department of Health Services

C. CHIEF COUNSEL RESOLUTIONS

- (1) **CASE NO. 05-1647**
Withhold Appeal
Classification: Correctional Lieutenant
Department: Department of Corrections and Rehabilitation
Request for Order to Show Cause against the Department of
Corrections and Rehabilitation

COURT REMANDS

This case has been remanded to the Board by the court for further Board action.

NONE

STIPULATIONS

These stipulations have been submitted to the Board for Board approval, pursuant to Government Code, section 18681.

NONE

D. ADMINISTRATIVE LAW JUDGE'S (ALJ) PROPOSED DECISIONS

PROPOSED DECISIONS

These are ALJ proposed decisions submitted to the Board for the first time.

- (1) CASE NO. 05-3561**
Appeal from dismissal
Classification: CHP Sergeant
Department: Department of California Highway Patrol
- (2) CASE NO. 07-0912**
Appeal from dismissal
Classification: Senior Psychiatric Technician (Safety)
Department: Department of Mental Health
- (3) CASE NO. 06-1067**
Appeal from dismissal
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
- (4) CASE NO. 06-3710**
Appeal from termination
Classification: Child Support Specialist II
Department: Department of Child Support Services
- (5) CASE NO. 06-3702**
Appeal from non-punitive termination
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
- (6) CASE NO. 06-2880**
Appeal from suspension for 48 working days
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
- (7) CASE NO. 07-0001**
Appeal from suspension for 48 work days
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation

- (8) **CASE NO. 06-1241**
Appeal from dismissal
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
- (9) **CASE NO. 05-0678E & 05-1925E**
Appeal from discrimination and merit issue complaint
Classification: Senior Civil Engineer
Department: Department of Parks and Recreation
- (10) **CASE NO. 07-1055**
Appeal from five percent reduction in salary for eight months
Classification: Stationary Engineer
Department: Department of Health Services
- (11) **CASE NO. 06-2727**
Appeal from dismissal
Classification: Officer
Department: Department of California Highway Patrol
- (12) **CASE NO. 07-0642**
Appeal from dismissal
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
- (13) **CASE NO. 07-0857**
Appeal from ten percent reduction in salary for twelve months
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
- (14) **CASE NO. 07-0386**
Appeal from dismissal
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
- (15) **CASE NO. 05-1590**
Appeal from dismissal
Classification: Supervisor of Correctional Education Programs
Department: Department of Corrections and Rehabilitation
- (16) **CASE NO. 03-2960E**
Appeal of retaliation
Classification: Associate Warden
Department: Department of Corrections and Rehabilitation

- (17) **CASE NO. 07-1183**
Appeal from dismissal
Classification: Parole Agent I
Department: Department of Corrections and Rehabilitation

PROPOSED DECISIONS TAKEN UNDER SUBMISSION AT PRIOR MEETING

These are ALJ proposed decisions taken under submission at a prior Board meeting, for lack of majority vote or other reason.

NONE

PROPOSED DECISIONS AFTER BOARD REMAND

NONE

PROPOSED DECISIONS AFTER SPB ARBITRATION

- (18) **CASE NO. 07-1687**
Appeal from 5 day suspension
Classification: Officer
Department: Department of California Highway Patrol

E. PETITIONS FOR REHEARING

ALJ PROPOSED DECISIONS ADOPTED BY THE BOARD

The Board will vote to grant or deny a petition for rehearing filed by one or both parties, regarding a case already decided by the Board.

- (1) **07-0317P**
Appeal from rejection during probation
Classification: Correctional Supervising Cook (Correctional Facility)
Department: Department of Corrections and Rehabilitation
- (2) **CASE NO. 05-3049EP**
Appeal from denial of discrimination/reasonable accommodation complaint
Classification: Senior Vocational Rehabilitation Counselor
Department: Department of Corrections and Rehabilitation

- (3) **CASE NO. 06-2222P**
Appeal from dismissal
Classification: Parole Agent II
Department: Department of Corrections and Rehabilitation
- (4) **CASE NO. 06-2437P**
Appeal from dismissal
Classification: Physician and Surgeon
Department: Department of Corrections and Rehabilitation
- (5) **CASE NO. 05-3008P**
Appeal from dismissal
Classification: Officer
Department: Department of California Highway Patrol
- (6) **CASE NO. 05-2388EP**
Appeal from dismissal
Classification: Officer
Department: Department of California Highway Patrol

WHISTLEBLOWER NOTICE OF FINDINGS

The Board will vote to grant or deny a petition for rehearing filed by one or both parties, regarding a Notice of Findings issued by the Executive Officer under Government Code, section 19682 et seq. and Title 2, California Code of Regulations, section 56 et seq.

NONE

F. PENDING BOARD REVIEW

These cases are pending preparation of transcripts, briefs, or the setting of oral argument before the Board.

- (1) **CASE NO. 03-3412PA**
Appeal from rejection during probation
Classification: Correctional Counselor II (Supervisor)
Department: Department of Corrections and Rehabilitation

Petition for rehearing granted April 3, 2007.
Transcript prepared.
Pending oral argument July 10-11, 2007, Sacramento.
Oral argument continued.
Pending oral argument September 4, 2007, Sacramento.

- (2) **CASE NO. 06-3534A**
Appeal from constructive medical termination
Classification: Psychiatric Technician Assistant
Department: Department of Developmental Services

Proposed decision rejected June 19, 2007.
Pending transcript.
- (3) **CASE NO. 06-3014PA**
Appeal from punitive transfer
Classification: Correctional Sergeant
Department: Department of Corrections and Rehabilitation

Petition for rehearing granted July 10, 2007.
Transcript prepared.
Pending oral argument October 9, 2007, Sacramento.
- (4) **CASE NO. 05-1285A**
Appeal from dismissal
Classification: Public Safety Dispatcher II
Department: Department of California Highway Patrol

Proposed decision rejected January 9, 2007.
Transcript prepared.
Pending oral argument June 5, 2007, Sacramento.
Oral argument continued.
Pending oral argument September 4, 2007, Sacramento.
- (5) **CASE NO. 05-1432E**
Appeal from denial of sexual harassment complaint
Classification: Health Facilities Evaluator Nurse
Department: Department of Health Services

Proposed decision rejected June 5, 2007.
Transcript prepared.
Pending oral argument November 6-7, 2007, San Diego.
- (6) **CASE NO. 05-3327A**
Appeal from dismissal
Classification: Medical Technical Assistant
Department: Department of Corrections and Rehabilitation

Proposed decision rejected July 10, 2007.
Pending transcript.

- (7) **CASE NO. 06-0738A**
Appeal from dismissal
Classification: Correctional Sergeant
Department: Department of Corrections and Rehabilitation

Proposed decision rejected May 18, 2007.
Transcript prepared.
Pending oral argument September 4, 2007, Sacramento.
- (8) **CASE NO. 06-1413PA**
Appeal from five percent reduction in salary for six months
Classification: Registered Nurse
Department: Department of Corrections and Rehabilitation

Petition for rehearing granted August 7, 2007.
Pending transcript
- (9) **CASE NO. 07-1381A**
Appeal from dismissal
Classification: Correctional Sergeant
Department: Department of Corrections and Rehabilitation

Proposed decision rejected June 5, 2007.
Transcript prepared.
Pending oral argument October 9, 2007, Sacramento.
- (10) **CASE NO. 05-1043P**
Appeal from dismissal
Classification: Tax Counsel, Range D
Department: Board of Equalization

Petition for rehearing granted June 5, 2007.
Transcript prepared.
Pending oral argument October 9, 2007, Sacramento.
- (11) **PSC No. 06-03, CASE NO. 07-0806PA**
Appeal from Executive Officer's disapproval of Unarmed Security
Guard Services
Department: California Highway Patrol

Petition for rehearing granted May 8, 2007.
Pending oral argument September 4, 2007, Sacramento.

27. NON-EVIDENTIARY CASES

A. WITHHOLD APPEALS

Cases heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board will be presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

WITHHOLD FROM CERTIFICATION
CASES HEARD BY A STAFF HEARING OFFICER

NONE

WITHHOLD FROM CERTIFICATION
CASES NOT HEARD BY A STAFF HEARING OFFICER

- (1) CASE NO. 06-1718N**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability, omitted pertinent information during the selection process, negative law enforcement contacts, negative employment record.
- (2) CASE NO. 06-1176N**
Classification: Behavior Specialist I
Department: Department of Mental Health
Issue: Suitability; minimum qualifications.
- (3) CASE NO. 06-2497N**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; omitted pertinent information.
- (4) CASE NO. 06-2417N**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; omitted pertinent information.
- (5) CASE NO. 06-2172N**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; provided inaccurate information, omitted information and a negative employment record.

- (6) **CASE NO. 06-2496N**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; omitted information, negative law enforcement contacts and failure to meet legal obligations.

- (7) **CASE NO. 06-1965N**
Classification: Medical Technical Assistant
Department: Department of Corrections and Rehabilitation
Issue: Suitability; omitted pertinent information.

- (8) **CASE NO. 06-2935N**
Classification: Youth Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; provided inaccurate information and a negative employment record.

- (9) **CASE NO. 05-3677N**
Classification: Motor Vehicle Field Representative
Department: California Department of Motor Vehicles
Issue: Suitability; negative law enforcement contacts.

- (10) **CASE NO. 06-2406N**
Classification: Cadet, CHP
Department: California Highway Patrol
Issue: Suitability; omitted pertinent information.

- **CASE NO. 07-0771N**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation

- **CASE NO. 07-0281N**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation

- **CASE NO. 06-3162N**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation

B. MEDICAL AND PSYCHOLOGICAL SCREENING APPEALS

Cases heard by a Staff Hearing Panel comprised of a managerial staff member of the State Personnel Board and a medical professional. The Board will be presented recommendations by a Hearing Panel on each appeal.

(1) CASE NO. 06-1943N

Classification: Correctional Officer

Department: Department of Corrections and Rehabilitation

Issue: The appellant was medically disqualified due to not meeting the medical standards needed to perform the duties of the job.

(2) CASE NO. 05-4389N

Classification: CHP, Cadet

Department: California Highway Patrol

Issue: The appellant does not meet the minimum psychological qualification standards for state peace officer employment under Government Code § 1031(f), due to poor self-confidence, low assertiveness, poor command presence and nervousness, characteristics that would significantly interfere with the performance of CHP, Cadet.

• CASE NO. 07-0239N

Classification: Cadet CHP

Department: California Highway Patrol

**C. EXAMINATION APPEALS
MINIMUM QUALIFICATIONS
MERIT ISSUE COMPLAINTS**

Cases heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board will be presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

NONE

**D. RULE 211 APPEALS
RULE 212 OUT OF CLASS APPEALS
VOIDED APPOINTMENT APPEALS**

Cases heard by a Staff Hearing Officer, or a managerial staff member of the State Personnel Board. The Board will be presented recommendations by a Staff Hearing Officer for final decision on each appeal.

NONE

E. REQUEST TO FILE CHARGES CASES

Investigated by Appeals Division staff. The Board will be presented recommendations by Appeals Division staff for final decision on each request.

(1) CASE NO. 06-2085N

Classification: Associate Governmental Program Analyst

CASE NO. 06-2083N

Classification: Registered Nurse

Department: Department of Corrections and Rehabilitation

Issue: The charging parties request charges be filed against the charged party for violations of various subsections of Government Code § 19572.

(2) CASE NO. 06-2060N

Classification: N/A

Department: California Office of Emergency Services

Issue: The charging party requests charges be filed against the charged parties for violations of various subsections of Government Code § 19572.

PETITIONS FOR REHEARING CASES

NONE

SUBMITTED

1. TEACHER STATE HOSPITAL (SEVERELY), ETC.

Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002.)

2. VOCATIONAL INSTRUCTOR (SAFETY) (VARIOUS SPECIALTIES)

Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002.)

3. TELEVISION SPECIALIST (SAFETY)

The Department of Corrections proposes to establish the new classification Television Specialist (Safety) by using the existing Television Specialist class specification and adding "Safety" as a parenthetical to recognize the public aspect of their job, additional language will be added to the Typical Tasks section of the class specification and a Special Physical Characteristics section will be added. (Presented to Board March 4, 2003.)

4. HEARING – Personal Services Contract #04-03

Appeal of the California State Employees Association from the Executive Officer's April 15, 2004, Approval of Master Contracts between the California Department of Corrections and Staffing Solutions, CliniStaff, Inc., Staff USA, Inc., CareerStaff Unlimited, MSI International, Inc., Access Medical Staffing & Service, Drug Consultants, Infinity Quality Services Corporation, Licensed Medical Staffing, Inc., Morgan Management Services, Inc., Asereth Medical Services, and PrideStaff dba Rx Relief. (Hearing held August 12, 2004.)

5. HEARING

Proposed new and revised State Personnel Board Regulations effecting equal opportunity, discrimination complaints and reasonable accommodation policies and procedures. (Hearing held July 7, 2004.)

6. HEARING – PROPOSED AMENDMENTS TO REGULATIONS CONCERNING PROCEDURES THAT APPLY TO COST SAVINGS PERSONAL SERVICES CONTRACTS UNDER GOVERNMENT CODE SECTION 19130(a) (Hearing held July 10, 2007.)

7. CASE NO. 05-4007EA

Appeal from denial of discrimination complaint. Outside contractor. Department of Transportation. (Oral argument held July 10, 2007.)

8. CASE NO. 06-0760A

Appeal from rejection during probation. Parole Agent I (Adult Parole). Department of Corrections and Rehabilitation. (Oral argument held July 10, 2007.)

- 9. PERSONAL SERVICES CONTRACT NO. 07-01.** Appeal of the Department of the California Highway Patrol (CHP) from the Executive Officer's February 21, 2007, Disapproval of CHP's Personal Services Contracts for Custodial Services at the following offices: Torrance Area Office (RFP 078CP62001); Yolo Area Office (RFP 078CP6159); Burney Area Office (RFP 078CP5634R); Anaheim Area Office (RFP 078CP6171); Los Angeles Area Office (RFP 078CP6167); Monterey Park Area Office (RFP 078CP6170); Oceanside Area Office (RFP 078CP6141); Blythe Area Office (RFP 078CP6139); Santa Ana Area Office (RFP 078CP5905R); and Redwood City Area Office (RFP 078CP6143I). (Oral argument held July 10, 2007.)
- 10. CASE NO. 06-3023A.** Appeal from ten percent reduction in salary for three months. Psychiatric Technician. Department of Corrections and Rehabilitation. (Oral argument held on August 7, 2007.)
- 11. CASE NO. 06-1338A.** Appeal from rejection during probation. Industrial Relations Counsel III (Specialist). Department of Industrial Relations. (Oral argument held on August 7, 2007.)
- 12. CASE NO. 06-2010A.** Appeal from medical termination. Administrative Support Coordinator II. California State University, Los Angeles. (Oral argument held on August 7, 2007.)
- 13. CASE NO. 06-1485.** Withhold Appeal. Correctional; Lieutenant. Department of Corrections and Rehabilitation. (Proposed decision taken under submission August 7, 2007.)

NOTICE OF GOVERNMENT CODE SECTION 18671.1 RESOLUTION

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional 45 days, the Board hereby publishes its substantial reasons for the need for the 45-day extension for some of the cases now pending before it for decision.

An additional 45 days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than six months as of the date of the Board meeting.

GOVERNMENT CODE SECTION 18671.1 RESOLUTION

WHEREAS, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

WHEREAS, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

WHEREAS, the Agenda for the instant Board meeting included an item titled "Notice of Government Code section 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

WHEREAS, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

* * * * *



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(Cal. 09/04/07)

TO: Members
State Personnel Board

FROM: State Personnel Board - Legislative Office

SUBJECT: LEGISLATION

The status of major legislation being followed for impact on Board programs and the general administration of the State Civil Service Merit System is detailed in the attached report.

Any legislative action that takes place after the printing of this report, which requires discussion with the Board, will be covered during the Board meeting.

Please contact me directly should you have any questions or comments regarding any bills that you may have an interest in. I can be reached at (916) 653-0453.

A handwritten signature in cursive script that reads 'Sherry A. Evans'.

Sherry A. Evans
Director of Legislation

Attachment

**STATE PERSONNEL BOARD
LEGISLATIVE TRACKING
REPORT
2007-08 SESSION**

Status as of August 24, 2007



BILL/ AUTHOR	BOARD POSITION	SUBJECT	STATUS OF BILL
AB 67 (Dymally)	SUPPORT	AB 67 amends the provisions contained in the Dymally-Alatorre Bilingual Services Act (Act) that require state agencies to conduct a biennial language survey and implementation plan and employ qualified bilingual staff when a significant language need is identified. The amendments proposed by this Bill standardize and define language in the Act, clarify the State Personnel Board's (SPB's) responsibility to establish bilingual fluency standards, and expand the SPB's ability to grant exemptions to the language survey and implementation plan.	07/11/2007-Read second time. To third reading. 07/11/2007-S THIRD READING 08/27/07 127 SEN THIRD READING FILE
AB 160 (Lieber)	Watch	Would establish the California Sentencing Commission, with specified membership and terms, to devise sentencing guidelines. The bill would also create a Judicial Advisory Committee composed of judges, as specified, to assist the commission. This bill contains other related provisions.	08/22/2007-From APPR.: To APPR. SUSPENSE FILE. 08/22/2007-S APPR. SUSPENSE FILE
AB 174 (Price)	No Position	This bill would expand the remedies available to individuals who file discrimination complaints with the State Personnel Board by authorizing the State Personnel Board to award reasonable attorney's fees and costs.	07/09/2007-In committee: Placed on Appropriations suspense file. 07/09/2007-S APPR. SUSPENSE FILE
AB 220 (Bass)	Watch	Would enact the Firefighters Procedural Bill of Rights Act to prescribe various rights of firefighters, defined as any firefighter employed by a public agency, including a firefighter who is a paramedic or emergency medical technician, with specified exceptions. The bill would prescribe rights related to, among others, political activity, interrogation, punitive action, and administrative appeals , with specified requirements imposed upon the employing agency and the imposition of a civil penalty for a violation thereof. The bill would also specify that reimbursement of funds by the state shall be limited to the actual costs associated with the act, as specified . This bill contains other related provisions and other existing laws.	08/22/2007-From APPR.: To APPR. SUSPENSE FILE. 08/22/2007-S APPR. SUSPENSE FILE
AB 295 (Lieu)	No Position	Would require specified state agencies to use additional separate collection categories and tabulations for other major Asian and Pacific Islander groups, including Bangladeshi, Fijian, Hmong, Indonesian, Malaysian, Pakistani, Sri Lankan, Taiwanese, Thai, and Tongan. This bill would also require that these specified state agencies update their data collection categories to match those used by the United States Census Bureau. This bill would further require a state agency, board, or commission that directly or by contract collects demographic data, include data on specified collection categories and tabulations in any demographic report on ancestry or ethnic origins of Californians that it publishes or releases on or after July 1, 2009. This bill would further require a state agency, board, or commission to make the collected data available to the public, in accordance with state and federal law, except for personal identifying information, which shall be deemed confidential.	07/16/2007-From APPR.: To APPR. SUSPENSE 07/16/2007-S APPR. SUSPENSE

<u>AB 392</u> (<u>Lieu</u>)	Watch	Would require a qualified employer to allow a qualified employee that is a spouse of a qualified member of the Armed Forces, National Guard, or Reserves to take up to 10 days of unpaid leave during a qualified leave period, as provided. This bill contains other related provisions.	08/22/2007-From APPR.: Do pass as amended. 08/22/2007-S APPR.
<u>AB 503</u> (<u>Swanson</u>)	Watch	Would require the California Research Bureau to conduct a study, to be submitted to the Legislature by June 30, 2008, on issues related to a requirement that state and local agencies provide eight hours' written notice to employees who are required to work overtime. The bill would require the study to address the impacts of such a requirement on both employers and employees .	06/14/2007-Referred to Com. on RLS. 06/14/2007-S RLS.
<u>AB 671</u> (<u>Beall</u>)	No Position	Would make legislative findings and declarations regarding the state's responsibility for the well-being of foster youth and former foster youth. The bill would require the State Personnel Board to establish an Emancipated Foster Youth Examination and Appointment Program to promote the hiring of qualified foster youth in specified entry level positions in any state agency or department as determined by the board. The bill would require the board or its designee to conduct competitive examinations to determine the qualifications and readiness of emancipated foster youths for state employment. It would require that all examination appointments to positions under the program be made on a temporary and provisional basis, and would provide that, with the approval of the board, a candidate who successfully completes this temporary period may be appointed, without further examination, to an appropriate position in which civil service status may accumulate. The bill would allow applicants for and candidates in the program examination process to appeal specified actions . This bill contains other related provisions and other existing laws.	07/16/2007-From APPR.: To APPR. SUSPENSE 07/16/2007-S APPR. SUSPENSE
<u>AB 721</u> (<u>Maze</u>)	Watch	Would provide that, notwithstanding any other provision of the act, when a Member of the Legislature requests a public record from a state agency, the state agency shall make the determination and notification required by these provisions immediately and in no event later than 3 business days after receipt of the request.	06/01/2007-Failed Deadline pursuant to Rule 61(a)(5). Last location was APPR. SUSPENSE FILE 06/01/2007-A 2 YEAR
<u>AB 890</u> (<u>Aghazarian</u>)	Watch	Would create the Commission on Peace Officer Standards and Training, which would succeed to those functions.	08/22/2007-From APPR.: To APPR. SUSPENSE FILE. 08/22/2007-S APPR. SUSPENSE FILE
<u>AB 933</u> (<u>Jeffries</u>)	No Analysis Required	Would revise these provisions. The bill would also delete obsolete statutory provisions relating to the Governor, Members of the Legislature, and other statewide elected officers.	07/27/2007-Chaptered by the Secretary of State, Chapter Number 142, Statutes of 2007 07/27/2007-A CHAPTERED
<u>AB 1393</u> (<u>Leno</u>)	Watch	Would as of July 1, 2009, require any state agency that publishes an Internet Web site to include on the homepage of that site specified information that is not exempt from disclosure under the act about how to contact the agency, how to request	08/22/2007-From APPR.: To APPR. SUSPENSE FILE. 08/22/2007-S APPR.

		records under the act, and a form for submitting online requests for records. It would authorize any person to bring an action to enforce the duty of a state agency to post this information and would provide for penalties including monetary awards to be paid by the agency, with specified provisions to become operative on January 1, 2009. This bill contains other related provisions.	SUSPENSE FILE
AB 1496 (Swanson)	No Position	Would require any city or county , except a charter city or county, or a charter city and county that provides a civil service system of employment in its charter , that adopts a civil service system or its equivalent, as specified, to provide for the classification of all employment positions. The bill would allow for the exclusion from that classification requirement, substitute and short-term employees, as defined, and apprentices or professional experts employed on a temporary basis for a specific project. Further, prior to the hiring of any short-term employee, the bill would require the legislative body of a city or county to, at a public meeting, report on the specifics of that hiring and certify the ending date of service. The bill would require any existing system to conform to the above-described requirements by March 1, 2008. The bill would exempt from these provisions the continued employment or classification of a county or city employee who is appointed or deputized as a reserve or auxiliary peace officer, as defined, or who is a volunteer or reserve firefighter in the employ of a regularly organized fire department of a county or city.	07/11/2007-In committee: Set, first hearing. Testimony taken. Further hearing to be set. 07/11/2007-S L. GOV.
AB 1648 (Leno)	Watch	Would provide that the confidentiality of peace officer records, as specified, does not apply to specified government bodies that review the investigations, findings, or employment actions of a department or agency. The bill would make specified information in certain disciplinary records pertaining to peace officers available to the public, as specified. This bill contains other related provisions and other existing laws.	05/02/2007-Failed Deadline pursuant to Rule 61(a)(2). Last location was PUB. S. 05/02/2007-A 2 YEAR
AB 1668 (Leno)	Watch	Would require the Director of Technology Services, in conjunction with the State Chief Information Officer and other specified state entities, to implement a project examining the use of an open file format with no more than 3 state agencies or departments. This bill would further require the State Chief Information Officer, in conjunction with other specified state entities, to report on the results of the project no later than January 10, 2009. This bill would also require the Department of General Services, in consultation with the State Chief Information Officer, to consider specific modifications to the standards used for the state to acquire information technology and to report its findings to the Legislature no later than October 1, 2008.	06/01/2007-Failed Deadline pursuant to Rule 61(a)(5). Last location was APPR. SUSPENSE 06/01/2007-A 2 YEAR
AB 1702 (Blakeslee)	SUPPORT	Would authorize the Department of Transportation to conduct competitive examinations on a position-specific basis for specified managerial classifications as agreed to by the State Personnel Board, as specified. The bill would also make legislative findings and declarations with regard to a related demonstration project. This bill contains other related provisions and other existing laws.	07/11/2007-Read second time. To third reading. 07/11/2007-S THIRD READING 08/27/07 145 SEN THIRD

			<i>READING FILE</i>
<u>ACA 1</u> (<u>Price</u>)	Watch	Would assign the responsibility for adjusting boundary lines of Senate, Assembly, congressional, and State Board of Equalization districts to a commission that , subject to specified conditions, consists of 11 members, including the 9 public members of the Milton Marks "Little Hoover" Commission on California State Government Organization and Economy and 2 additional persons appointed by those 9 members . It would require the Legislature to establish, by statute, procedures to ensure compliance with specified requirements for membership on the commission. This bill contains other related provisions.	06/21/2007-Re-referred to Com. on APPR. 06/21/2007-A APPR.
<u>SB 26</u> (<u>Simitian</u>)	Neutral	This bill would require that demographic data collection by race be structured in a manner that allows the surveyed individual to select more than one race. A single category labeled "multi-racial" would be prohibited.	07/11/2007-Set, first hearing. Referred to APPR. suspense file. 07/11/2007-A APPR. SUSPENSE FILE
<u>SB 519</u> (Committee on Governmental Organization)	SIGN	Would authorize the calling of a special meeting to provide for an interim executive officer of a state body upon the death, incapacity, or vacancy in the office of the executive officer.	07/20/2007-Chaptered by the Secretary of State, Chapter Number 92, Statutes of 2007 07/20/2007-S CHAPTERED
<u>SB 721</u> (<u>Ashburn</u>)	Watch	By January 1, 2010, this bill would require every state agency to establish and implement a succession plan, as defined. By January 1, 2012, the bill would require every state agency to report to the Legislature on the success or failure of the implemented succession plan, as specified.	07/18/2007-Set, first hearing. Referred to APPR. suspense file. 07/18/2007-A APPR. SUSPENSE FILE
<u>SB 870</u> (<u>Ridley-Thomas</u>)	Neutral with Amendments	Would require an adverse action against an excluded employee, as defined, to commence within one year of the cause for discipline.	06/27/2007-Set, first hearing. Referred to APPR. suspense file. 06/27/2007-A APPR. SUSPENSE FILE
<u>SB 1019</u> (<u>Romero</u>)	Support if amended	Would state the intent of the Legislature to abrogate the California Supreme Court decision in Copley Press, Inc. v. Superior Court and to restore public access to meetings and hearings regarding peace officer discipline that were open prior to the Copley Press decision. This bill contains other related provisions.	06/26/2007-Set, first hearing. Held in committee without recommendation. 06/26/2007-A PUB. S.

STATE PERSONNEL BOARD

NON-HEARING CALENDAR

RE: BOARD DATE SEPTEMBER 4, 2007

(Cal. 09/04/07)

MEMO TO : STATE PERSONNEL BOARD

FROM : MIKE STRAZZO, Merit Operations Division

SUBJECT : Non-Hearing Calendar Items for Board Action

Page**TAX AUDITOR, EMPLOYMENT DEVELOPMENT DEPARTMENT**

201

The Employment Development Department proposes a correction to the Tax Auditor, Employment Development Department deep class board item to address information that was inadvertently omitted from the original item dated January 23, 2007.

**COMMUNICATIONS AND WARNING OFFICER, OFFICE OF
EMERGENCY SERVICES**

203

The Office of Emergency Services is proposing the reestablishment of the Communications and Warning Officer, Office of Emergency Services classification. This classification was inadvertently abolished effective May 23, 2006. There are no changes being proposed to the abolished classification specification.

TO: STATE PERSONNEL BOARD

FROM: PAT LUJAN
Employment Development Department

SUBJECT: Proposed correction to the Tax Auditor, Employment
Development Department deep class board item

SUMMARY OF ISSUE:

The Employment Development Department (EDD) is requesting to amend the Tax Auditor, EDD deep class Board Item to address the use of existing eligible employment and certification lists, which was inadvertently omitted from the original Board Item on January 23, 2007.

BACKGROUND:

The 5-member Board adopted the Tax Auditor, EDD deep class Board Item at its January 23, 2007 Board meeting. It was recently determined that the use of existing eligible employment and certification lists was not appropriately addressed within the original Board Item narrative, thus EDD is requesting to amend the Board item.

The EDD requests incorporating a resolution into Part B, Item 2 of Pay Letter 07-08 for the approved Tax Auditor, EDD deep-class. This amendment allows the titles, classification code change of 4336, and the employment and certification lists to appropriately reflect the approved Board Item changes. More specifically, EDD's proposed resolution would change EDD's on-line examination and employment and certification lists from Auditor I to the new class title, Tax Auditor, EDD, and new class code, 4336. This action is standard practice for class revisions of this kind but was inadvertently omitted from the Tax Auditor, EDD Board Item.

CONSULTED WITH:

Pat Lujan, EDD
Jennifer Roche, SPB
Daphne Baldwin, SPB
Dan Tokunaga, DPA

RECOMMENDATIONS:

That the following resolution be adopted:

WHEREAS the State Personnel Board on January 23, 2007, adopted the Tax Auditor, EDD deep class; and

WHEREAS the use of the existing eligible employment and certification lists were inadvertently omitted from the original Board Item on January 23, 2007; and

WHEREAS EDD's employment and certification lists exist or whereby an examination process exists for the EDD Tax Auditor classes; Therefore, be it

RESOLVED, That all the new class titles, classification code change of 4336, and the employment and certification lists reflect the approved Board Item changes effective January 23, 2007; and be it further

RESOLVED, That any existing employment lists established other than reemployment lists established for the class of Auditor I (established by the Employment Development Department), and Tax Auditor II, Employment Development Department shall be used to certify and fill vacancies in the class of Tax Auditor, Employment Development Department until such lists are abolished, exhausted, or superseded by lists for the class of Tax Auditor, Employment Development Department, and any persons on existing reemployment lists for the class of Auditor I, and Tax Auditor II, Employment Development Department shall also be placed on reemployment lists for the class of Tax Auditor, Employment Development Department until the expiration of their eligibility on the reemployment lists for the class of the Auditor I (established by the Employment Development Department) and Tax Auditor II, Employment Development Department; and be it further

RESOLVED, That any existing employment lists established other than reemployment lists established for the class of Tax Auditor III, Employment Development Department shall be used to certify and fill vacancies in the class of Associate Tax Auditor, Employment Development Department until such lists are abolished, exhausted, or superseded by lists for the class of Associate Tax Auditor, Employment Development Department, and any persons on existing reemployment lists for the class of Tax Auditor III, Employment Development Department shall also be placed on reemployment lists for the class of Associate Tax Auditor, Employment Development Department until the expiration of their eligibility on the reemployment lists for the class of the Tax Auditor III, Employment Development Department; and be it further

RESOLVED, That any existing employment lists other than reemployment lists established for the class of Tax Auditor IV, Employment Development Department shall be used to certify and fill vacancies in the class of Staff Tax Auditor, Employment Development Department until such lists are abolished, exhausted, or superseded by lists for the class of Staff Tax Auditor, Employment Development Department, and any persons on existing reemployment lists for the class of Tax Auditor IV, Employment Development Department shall also be placed on reemployment lists for the class of Staff Tax Auditor, Employment Development Department until the expiration of their eligibility on the reemployment lists for the class of the Tax Auditor IV, Employment Development Department.

TO: STATE PERSONNEL BOARD

FROM: KATHY DARLING, Staff Personnel Program Analyst
Department of Personnel Administration

REVIEWED BY: DEBRA THOMPSEN, Personnel Program Manager
Department of Personnel Administration

SUBJECT: Proposed Reestablishment of the Communications and Warning Officer, Office of Emergency Services classification

SUMMARY OF ISSUES:

The Governor's Office of Emergency Services (OES) is requesting to correct an error that occurred in that a class was inadvertently abolished effective May 23, 2006. This classification is utilized in the California State Warning Center (CSWC) within OES, which is the statewide 'hub' for state-level information gathering and reporting of significant incidents in California. This information is disseminated at all levels through multiple systems, from the Governor's senior staff to State Agency Secretaries, Local Government emergency management leadership, the Legislature, and other decision makers.

While OES does not currently have a Communications and Warning Officer, OES, there is a need for this class as a result of OES receiving a general fund augmentation for 7 PYs in the CSWC at the staff level in the 2006/07 budget. The Communications and Warning Officer, OES classification will plan, organize, and direct the work of the staff in the CSWC which currently has one lower level supervisor over 11 staff, which will soon increase to 18 staff.

There are no changes being proposed to the abolished classification specification.

CONSULTED WITH:

Leslie Pruitt, Governor's Office of Emergency Services
Daphne Baldwin, State Personnel Board
Jennifer Roche, State Personnel Board
Frank Marr, Department of Personnel Administration, Labor Relations Office

This is an excluded class and there is no recognized supervisory union organization affiliated with this unit; therefore, there has been no union notification of this proposal.

RECOMMENDATIONS:

1. That the classification of Communications and Warning Officer, Office of Emergency Services be reestablished; and the proposed Communications and Warning Officer, Office of Emergency Services specification as shown in this calendar be adopted.

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CALIFORNIA STATE PERSONNEL BOARD
SPECIFICATION

Schematic Code: UD10
Class Code: 8110
Established: 11/18/70
Revised: 3/17/87
Title Changed: --

COMMUNICATIONS AND WARNING
OFFICER, OFFICE OF EMERGENCY SERVICES

DEFINITION

Under administrative direction, to plan, organize, and direct the work of the staff of the Communications and Warning Section of the State Office of Emergency Services; to act as statewide coordinator and principal adviser to the Director on communications matters; and to do other related work.

TYPICAL TASKS

Plans, organizes, directs, and reviews the communications and attack-or disaster-warning activities of the State Office of Emergency Services; plans the communications facilities and equipment requirements for normal and emergency operations; coordinates the communications systems of other State agencies and local jurisdictions for civil defense purposes; works with commercial wire firms on emergency communications planning; directs the recruitment and training of volunteer workers to operate communications systems; directs the assignment and maintenance of mobile communications control centers; directs the preparation of and approves State and local Radio Amateur Civil Emergency Services (RACES) plans; directs the procedural and facilities requirements for the reception and dissemination of warning information; maintains liaison with Federal and military officials on matters concerning the National Warning System (NAWAS) and the Emergency Broadcast system, including the National Emergency Management Systems (NEMS); develops and conducts periodic tests and exercises of communications systems; attends public gatherings and makes speeches; prepares reports and dictates correspondence.

MINIMUM QUALIFICATIONS

Either I

Two years of experience in the California state service performing the duties of a Coordinator (Communications), Office of Emergency Services.

Communications and Warning Officer, Office of
Emergency Services

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Or II

Experience: Four years of experience as a communications executive or engineer, at least three years of which must have been in a supervisory capacity in the design, construction, operation, or maintenance of major electrical communications systems. and

Education: Equivalent to graduation from college. (Additional qualifying experience may be substituted for four years of the required education on a year-for-year basis.)

KNOWLEDGE AND ABILITIES

Knowledge of: Objectives, organization, and operation of Federal, State, and local civil defense and disaster activities; purposes, organization, activities, and basic legislation of the State Office of Emergency Services; principles and techniques of public administration including personnel management and budgeting; principles and practices of modern office management; basic principles, current practices and terminology of communications operations; purposes and operation of the NAWAS of the Federal Office of Civil Defense and the Emergency Broadcast system; laws, rules, and regulations of the Federal Communications Commission.

Ability to: Interpret and apply laws, rules, and regulations of the Federal Communications Commission; plan, organize, and direct the work of a communications staff; establish and maintain cooperative relations with both governmental and nongovernmental representatives; speak and write effectively; analyze situations accurately and take effective action; determine departmental needs, make studies, and prepare plans.

SPECIAL PERSONAL CHARACTERISTICS

Demonstrated administrative ability, tact, and willingness to travel.
Eligibility for a Federal (Secret) Security Clearance.

BACKGROUND INVESTIGATION INFORMATION

If you are successful in this examination, you will be required to complete a Federal Background Investigation form on which you must disclose felony convictions and citizenship status to qualify and receive a Federal (Secret) Security Clearance.

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(Cal. 09/04/07)

MEMO TO : STATE PERSONNEL BOARD
FROM : MIKE STRAZZO, Merit Operations Division
SUBJECT : Staff Calendar Items for Board Information

NONE PRESENTED